

# WATER FORUM AGREEMENT

## INTRODUCTION

The Water Forum is a diverse group of business and agricultural leaders, citizens groups, environmentalists, water managers, and local governments in Sacramento county. In 1995 they were joined by water managers in Placer and El Dorado counties.

This group of community leaders and water experts has determined that unless we act now, our region will be facing water shortages, environmental degradation, groundwater contamination, threats to groundwater reliability, and limits to economic prosperity. Well intentioned but separate efforts by individual stakeholders had left everyone in gridlock.

Joining together over six years ago, these leaders have devoted tens of thousands of hours researching the causes of this gridlock, agreeing on principles to guide development of a regional solution and negotiating the *Water Forum Agreement*. This diverse group agrees that the only way to break this gridlock is to implement a comprehensive package of linked actions that will achieve two coequal objectives:

**Provide a reliable and safe water supply for the region's economic health and planned development to the year 2030;**

**AND**

**Preserve the fishery, wildlife, recreational, and aesthetic values of the Lower American River.**

During these six years, stakeholder representatives continually presented draft

proposals to their boards to obtain their ongoing feedback. In addition, the Water Forum has conducted over one hundred meetings with community organizations, chambers of commerce, citizens advisory councils, civic groups, resources agencies, statewide environmental groups, and federal and state water users to solicit their input to the proposals under consideration.

The comprehensive *Water Forum Agreement* allows the region to meet its needs in a balanced way through implementation of seven elements. These elements include detailed understandings among stakeholder organizations on how this region will deal with key issues such as groundwater management, water diversions, dry year water supplies, water conservation, and protection of the Lower American River.

The *Agreement* also provides important provisions assuring each signatory that as it fulfills its responsibilities, other signatories will also be honoring their commitments. For example, all the stakeholder representatives are now working together on one of the key assurances — an updated standard for the Lower American River.

All of the hard-earned understandings that have been forged over the past six years are included in the Memorandum of Understanding for the *Water Forum Agreement*. Signed by each of the stakeholder organizations, this MOU creates the overall political and moral commitment to the *Agreement*. These assurances will be supplemented by other specific actions such as contracts, joint powers authorities, water rights actions, etc.

But the signing of the MOU will not be enough. The stakeholder organizations realized that this new culture of cooperation and collaboration created by the Water Forum will not last over time if it is not protected. They are concerned that changing conditions could threaten the foundations of the *Agreement*. They respect that consensus was possible only when they could understand the interests of others as well as their own.

To make the *Agreement* work over time, the stakeholders have created the Water Forum Successor Effort to maintain relationships, provide an early warning system for potential problems and creatively resolve issues as they arise.

That comes from the wisdom of the Water Forum. It is also a gift to the region. It's an example of how we can make our region a better place to live by hard work, mutual respect and innovative ideas.

## WHY DO WE NEED AN AGREEMENT — WHAT IS BROKEN?

### **Water Shortages**

Unless adequate water supplies are made available, many existing residents, businesses and agriculture will suffer shortages during California's periodic droughts. Inadequate water supplies would also limit our economic development.

The Sacramento area, the surrounding region, and the Lower American River all suffered some effects during the 1976 - 1977 drought. Since 1977 our population and water demands have increased significantly.

As the region continues to grow, it is important for us to plan for water needs, including what will happen in future droughts.

If we don't face this challenge, the next drought will be much more serious.

### **Lower American River**

The Lower American River is nationally recognized for its beauty, fisheries and recreation. Each year there are over five million visitor-days recorded for the American River Parkway. We need to find ways to protect the River for our enjoyment and for generations to come.

### **Groundwater Reliability Threatened**

Over reliance on wells in some areas has lowered the water table as much as 90 feet. If nothing is done, the problem will get worse; pumping costs could double; some shallow wells could go dry. Also, past actions have contaminated parts of our groundwater basins. Unless we continue to contain and correct these problems, additional wells that provide our drinking water could become contaminated.

### **Water Reliability At Risk**

Some suppliers obtain all of their water from surface sources; other suppliers get their water solely from wells. There are always some disadvantages to having only one source of supply. We will have a more reliable supply if most of the suppliers have multiple sources of water.

## WHAT HAS HELD UP SOLUTIONS TO OUR PROBLEMS?

Here in the American River watershed, the biggest stumbling block to balanced water solutions is that individual groups — water suppliers, environmentalists, local governments, business groups, agriculturalists, and citizen groups — have been independently pursuing their own water objectives — without much success. In many cases, competition among groups has

generated protests, lawsuits and delay. Even though millions of dollars had been spent in the past decade pursuing single purpose solutions, there was little to show for these fragmented efforts.

## **HOW THE WATER FORUM IS USING INTEREST BASED NEGOTIATION TO “GET TO YES”**

The stakeholder representatives chose to approach their long standing conflicts as a formal mediation, using an innovative process known as interest-based negotiation. This conflict resolution method requires negotiators to initially put aside their traditional demands (“positions”) and instead focus on the underlying reasons (“interests”) behind both their own and their adversaries’ concerns. This creative approach resulted in a *Water Forum Agreement* that will meet the needs of all stakeholders.

## **WATER FORUM SUCCESSOR EFFORT**

Signing the *Water Forum Agreement* does not mean that stakeholders can go back to doing business as usual. The *Water Forum Agreement* will be implemented over the next three decades. There will be many changed circumstances that we cannot now foresee. It is critical that all signatories participate in the Water Forum Successor Effort and maintain their commitment to interest-based bargaining. This will allow each stakeholder organization to get its needs met while respecting and working to meet the needs of others.

## **ENVIRONMENTAL REVIEW**

An important part of this process was identifying the environmental impacts of the *Agreement*. Therefore, the Water Forum also completed an Environmental Impact Report (EIR) that identifies impacts and potential mitigation measures. The Water Forum EIR is a Programmatic level EIR that analyzes the cumulative impacts of all elements of the *Water Forum Agreement*. Individual water supply projects will still have their own compliance requirements for the California Environmental Quality Act (CEQA), and where applicable, the National Environmental Policy Act (NEPA), the federal Endangered Species Act and the California Endangered Species Act.

## KEY MILESTONES FOR IMPLEMENTING THE *WATER FORUM AGREEMENT*

- 1 First meeting of the Water Forum Successor Effort. Schedule: Early 2000
- 2 Convening of Multi-Agency Lower American River Habitat Management Program. Schedule: Early 2000
- 3 Purveyors begin negotiating Diversion Agreements with the United States Bureau of Reclamation. Schedule: Early 2000
- 4 Construction of the Temperature Control Device for diversions from Folsom Reservoir. This is one of the actions that is essential for the overall *Water Forum Agreement*. Schedule: Before December 31, 2001
- 5 Begin discussions to establish acceptable groundwater management programs in the South and Galt areas of Sacramento county. Schedule: Mid 2000
- 6 Project-specific CEQA and where applicable, NEPA compliance. Schedule: Timing dependent on when specific projects are ready to proceed.
- 7 Where applicable, federal Endangered Species Act and California Endangered Species Act consultation for projects including those within the *Water Forum Agreement*. Schedule: Shortly before those projects are ready to proceed
- 8 Adoption of an updated Lower American River standard by the State Water Resources Control Board. Schedule: See sidebar entitled "Schedule for Updating the Lower American River Flow Standard" on page 28.

# SUMMARY OF THE *WATER FORUM AGREEMENT*

Representatives of the following organizations have negotiated recommendations for this *Water Forum Agreement*. Authority to approve the *Agreement* rests with the governing board of each stakeholder organization.

## **Water Suppliers**

Carmichael Water District  
Citizens Utilities Company of California  
Citrus Heights Water District  
City of Folsom  
City of Galt  
City of Roseville  
City of Sacramento  
Clay Water District  
County of Sacramento County/Sacramento County Water Agency  
Del Paso Manor Water District  
Fair Oaks Water District  
Florin County Water District  
Galt Irrigation District  
Natomas Central Mutual Water Company  
Northridge Water District  
Omochumne-Hartnell Water District  
Orange Vale Water Company  
Placer County Water Agency  
Rio Linda/Elverta Community Water District  
San Juan Water District

## **Other Water Interests**

Sacramento County Farm Bureau  
Sacramento Metropolitan Water Authority  
Sacramento Municipal Utility District (SMUD)

## **Environmental Organizations**

Environmental Council of Sacramento (ECOS)  
Friends of the River (FOR)  
Save the American River Association, Inc. (SARA)  
Sierra Club - Mother Lode Chapter - Sacramento Group

## **Business Organizations**

Associated General Contractors (AGC)  
Building Industry Association of Superior California (BIA)  
Sacramento Association of Realtors (SAR)  
Sacramento Metropolitan Chamber of Commerce  
Sacramento-Sierra Building & Construction Trades Council

## **Citizens Organizations**

League of Women Voters of Sacramento  
Sacramento County Alliance of Neighborhoods (SCAN)  
Sacramento County Taxpayers League

There are four water suppliers that have issues that could not be resolved as of the time this initial *Water Forum Agreement* was developed. All stakeholder representatives commit to working in good faith with these organizations to negotiate mutually acceptable responses to these issues.

Arcade Water District  
El Dorado Irrigation District  
Georgetown Divide Public Utility District  
Rancho Murieta Community Services District

Three water suppliers have decided not to participate in the Water Forum:

Arden Cordova Water Service  
Elk Grove Water Works  
Fruitridge Vista Water Company



## THE SOLUTION MUST BE AN INTEGRATED PACKAGE OF ACTIONS

As we enter the twenty-first century, the challenges facing our water future are many. There is no single-purpose program that will secure our water future. The only way we can succeed is to implement a full range of complementary actions. This *Water Forum Agreement* contains seven elements, each of which is necessary for a solution to work:

1. Increased Surface Water Diversions
2. Actions to Meet Customers' Needs While Reducing Diversion Impacts in Drier Years
3. An Improved Pattern of Fishery Flow Releases from Folsom Reservoir
4. Lower American River Habitat Management Element, which also addresses Recreation in the Lower American River
5. Water Conservation Element
6. Groundwater Management Element
7. Water Forum Successor Effort

### 1. Increased Surface Water Diversions

This element provides for increased surface water diversions. These increased diversions will be needed even with the active conservation programs and the recommended sustainable use of the groundwater which are also part of this *Water Forum Agreement*. Unless adequate water supplies are made available, many residents, businesses and farmers will continue to suffer shortages during California's periodic droughts.

As part of this *Water Forum Agreement*, all signatory organizations would support the diversions agreed to for each supplier as specified in each purveyor's Specific Agreement. Purveyors' diversion are summarized at the end of this Summary and are also shown in the chart "1995 and proposed Year 2030 Surface Water Diversions" on the next pages. All signatory organizations would also support the facilities needed to divert, treat and distribute this water. (See "Major Water Supply Projects That Will Receive Water Forum Support" on pages 14 and 15.) Support for increased diversions is linked to the suppliers' endorsement and, where appropriate, participation in each of the seven elements of the *Water Forum Agreement*.

## 1995 AND PROPOSED YEAR 2030 SURFACE WATER DIVERSIONS

Note: The diversions described below, combined with the dry year actions, will meet each supplier's customers' needs to the year 2030.

### AMERICAN RIVER DIVERSIONS—UPSTREAM OF NIMBUS

WATER SUPPLIER/ ORGANIZATION	1995 BASELINE (1)	2030 DIVERSION (wet/ave years)	2030 DIVERSION (drier years)	2030 DIVERSION (driest years)(2)
City of Folsom	20,000 AF (19)	34,000 AF (3)	Decreasing from 34,000 AF to 22,000 AF (4)	20,000 AF (5)
Northridge Water District (17)	0 AF	29,000 AF (9)	0 AF (10)	0 AF
Placer County Water Agency (6) (7) [Subject to resolution of remaining issues (21)]	8,500 AF	35,500 AF (3)	Continue to divert 35,500 AF, with a replacement to the river equivalent to their drier diversions above baseline. The drier the year, the more water would be replaced up to 27,000 AF (4) (20)	Continue to divert 35,500 AF, with a replacement of 27,000 AF to the river. (20)
City of Roseville (7)	19,800 AF	54,900 AF (3)	Decreasing from 54,900 AF to 39,800 AF with a replacement to the river equivalent to their drier diversions above baseline. The drier the year, the more water would be replaced up to 20,000 AF (4)	Continue to divert 39,800 AF, with a replacement of 20,000 AF to the river.

## 1995 AND PROPOSED YEAR 2030 SURFACE WATER DIVERSIONS (continued)

Note: The diversions described below, combined with the dry year actions, will meet each supplier's customers' needs to the year 2030.

### AMERICAN RIVER DIVERSIONS—UPSTREAM OF NIMBUS

WATER SUPPLIER/ ORGANIZATION	1995 BASELINE (1)	2030 DIVERSION (wet/ave years)	2030 DIVERSION (drier years)	2030 DIVERSION (driest years) (2)
San Juan WD & Consortium in Sacramento County (Citrus Heights WD, Fair Oaks WD, Orange Vale Water Co)	44,200 AF (8)	57,200 AF (3)	Decreasing from 57,200 to 44,200 AF (4)	44,200 AF
San Juan WD (Placer County)	10,000 AF	25,000 AF (3)	Decreasing from 25,000 to 10,000 AF (4)	10,000 AF
South Sacramento County Agriculture (includes Clay WD, Omohumne-Hartnell WD, Galt ID, & Sacramento County Farm Bureau)	0 AF	35,000 AF (9)	0 AF (10)	0 AF
SMUD	15,000 AF (11)	30,000 AF (3)	Decreasing from 30,000 to 15,000 AF (4)	15,000 AF

1995 AND PROPOSED YEAR 2030 SURFACE WATER DIVERSIONS (continued)

AMERICAN RIVER DIVERSIONS—BETWEEN NIMBUS & THE MOUTH

WATER SUPPLIER/ ORGANIZATION	1995 BASELINE (1)	2030 DIVERSION (wet/ave years)	2030 DIVERSION (drier years)	2030 DIVERSION (driest years) (2)
Carmichael WD (18)	12,000 AF	12,000 AF	12,000 AF	12,000 AF
City of Sacramento	50,000 AF	310 CFS (12) (13)	90,000 AF (15)	50,000 AF

SACRAMENTO RIVER DIVERSIONS

WATER SUPPLIER/ ORGANIZATION	1995 BASELINE	2030 DIVERSION (wet/ave years) (14)	2030 DIVERSION (drier years) (14)	2030 DIVERSION (driest years) (14)
City of Sacramento	45,000 AF	290 CFS (13)	290 CFS (13)	290 CFS (13)
County of Sacramento	0 AF	Up to 78,000 AF (16)	Up to 78,000 AF (16)	Up to 78,000 AF (16)
Placer County Water Agency (6) [Subject to resolution of remaining issues (21)]	0 AF	35,000 AF	35,000 AF	35,000 AF
Natomas Central Mutual Water Co. within Sacramento County	53,000 AF	45,600 AF	45,600 AF	45,600 AF

## 1995 AND PROPOSED YEAR 2030 SURFACE WATER DIVERSIONS — NOTES

1. Baseline: Baseline means the historic maximum amount of water that suppliers diverted from the American River in any one year through the year 1995 or in certain appropriate instances other amounts specified in a purveyor's specific agreement. Clarifications pertaining to the San Juan Water District, SMUD and the City of Folsom are noted in footnotes 8, 11, and 19.
2. Driest Years (i.e. Conference Years): Years when the projected March through November Unimpaired Inflow to Folsom Reservoir is less than 400,000 acre feet. Conference years are those years which require diverters and others to meet and confer on how best to meet demands and protect the American River.
3. Wet/Ave Years: As it applies to these diverters, years when the projected March through November Unimpaired Inflow to Folsom Reservoir is greater than 950,000 acre feet.
4. Drier Years: As it applies to these diverters, years when the projected March through November Unimpaired Inflow to Folsom Reservoir is less than 950,000 acre feet.
5. In the Conference Years the City of Folsom would reduce diversions by an additional 2,000 acre feet below its baseline to 18,000 AF through additional conservation to achieve recreational benefits to Folsom Reservoir and fishery benefits to the Lower American River.
6. PCWA would receive support for an American River diversion of 35,500 AF (8,500 AF existing and 27,000 AF additional) in wetter and average years and a new Sacramento/Feather Diversion of 35,000 AF. PCWA is willing to exchange 35,000 AF of its American River water for Sacramento and/or Feather River water provided the terms of such exchange do not result in any diminution of PCWA's water supply or an increased cost to PCWA.
7. For these suppliers, some or all of their water supply diverted from the American River or Folsom Reservoir in the drier and driest years could be replaced with water released from the Middle Fork Project Reservoirs by reoperating those reservoirs. Reoperation of the MFP reservoirs causes the reservoirs to be drawn down below historical operational minimum pool volumes.
8. The baseline for SJWD and their wholesale service area within Sacramento County is the full amount of their entitlements (CVP contract and water rights) which they exercised in 1995.
9. Wet/Ave Years: As it applies to these diverters, years when the projected March through November Unimpaired Inflow to Folsom Reservoir is greater than 1,600,000 acre feet.
10. Drier Years: As it applies to these diverters, years when the projected March through November Unimpaired Inflow to Folsom Reservoir is less than 1,600,000 acre feet.
11. The baseline for SMUD is the 1995 diversion amount which reflects the shut down of Rancho Seco Power Plant.
12. Wet/Ave Years: As it applies to the City of Sacramento, time periods when the flows bypassing the E. A. Fairbairn Water Treatment Plant diversion exceed the "Hodge flows."
13. For modeling purposes, it is assumed that the City of Sacramento's total annual diversions from the American and Sacramento River in year 2030 would be 130,600 AF for use within the City limits.
14. As it applies to these diverters, there is no Water Forum limitation to diversions from the Sacramento River.

## 1995 AND PROPOSED YEAR 2030 SURFACE WATER DIVERSIONS — NOTES (continued)

- 15.** Drier Years: As it applies to the City of Sacramento, time periods when the flows bypassing the City's E. A. Fairbairn Water Treatment Plant diversion do not exceed the "Hodge flows." Within its existing capacity, the City can divert from the American River 155 cfs in June, July and August, 120 cfs in January through May and September, and 100 cfs in October through December.
- 16.** The total for the County of Sacramento (78,000 AF) represents 45,000 AF of firm entitlement and 33,000 AF of intermittent water. The intermittent supply is subject to reduction in the drier and driest years. To reduce reliance on intermittent surface water, the County of Sacramento intends to pursue additional firm supplies.
- 17.** Northridge Water District (NWD) and other signatories have agreed that for an interim ten year period, NWD would be able to divert PCWA water in years when the projected March through November Unimpaired Inflow to Folsom Reservoir is greater than 950,000 acre feet. After the ten-year period, unless the State Water Resources Control Board issues a subsequent order, NWD will divert up to 29,000 acre feet of water from Folsom Reservoir under the NWD-PCWA contract only in years when the projected March through November unimpaired inflow into Folsom Reservoir is greater than 1,600,000 AF.
- 18.** Carmichael Water District will divert and use up to their license amount of 14,000 acre feet. By the year 2030, it is most likely that the water demand for the District will be reduced to their historic baseline level of 12,000 acre feet by implementation of Urban Water Conservation Best Management Practices. Signatories to the *Water Forum*
- Agreement* acknowledge and agree that CWD shall not relinquish control of or otherwise abandon the right to any quantity it has foregone delivery and/or diversion of under this *Agreement*, and shall retain the right (if any) to transfer that water for other beneficial uses, after that water has served its purpose of assisting in the implementation of the Improved Pattern of Fishery Flow Releases, for diversion or redirection at, near, or downstream of the confluence of the Lower American River and the Sacramento River. The signatories also recognize that any such transfer of water by CWD must be in accordance with applicable provisions of federal and state law.
- 19.** This is an agreed upon amount which is within the historic diversion data and is equivalent to Folsom's treatment capacity as of 1999.
- 20.** Replacement of water to the river as a dry year action as provided in PCWA's specific agreement is contingent on PCWA's ability to sell this water to the Department of the Interior to meet Anadromous Fishery Restoration Program goals for the Lower American River or to other parties for their use after it flows down the Lower American River.
- 21.** Remaining issues which are being negotiated are: 1) environmentalists' support for PCWA pumps at Auburn, 2) how water conservation Best Management Practice #5 (Large Landscape Water Audits and Incentives for Commercial, Industrial, Institutional and Irrigation Accounts) will be implemented, 3) environmentalists' support for conditions related to release of replacement water in drier and driest years.

## DRAFT EIR MODELING ASSUMPTIONS FOR AMERICAN RIVER DIVERSIONS FOR PURVEYORS THAT HAVE NOT CONCLUDED THEIR NEGOTIATIONS

To meet requirements of the California Environmental Quality Act, the Water Forum Programmatic EIR assessed impacts of all reasonably foreseeable diversions that may occur in the watershed. For the Water Forum EIR, potential diversions of the purveyors shown in the chart below were modeled as part of the Water Forum Proposal based on preferences communicated by representatives of purveyors listed on this chart.

However, mutually acceptable agreements have not been reached on how Arcade Water District, Rancho Murieta CSD, El Dorado Irrigation District, and the Georgetown Divide PUD would participate in all elements of the *Water Forum Agreement*. These suppliers have entered into Procedural Agreements with the Water Forum to negotiate mutually acceptable agreements in the future. In addition, Arden Cordova Water Service has decided not to participate in the *Water Forum Agreement*.

Modeling does not imply that there is agreement on diversions described below. Nor does it imply that all stakeholder representatives believe that all of these diversions will necessarily occur. Diversions shown on this chart will be included as part of the *Water Forum Agreement* only if there are mutually acceptable agreements.

WATER PURVEYOR	1995 BASELINE (1)	2030 DIVERSION (wet/ave years)	2030 DIVERSION (drier years)	2030 DIVERSION (driest years)(2)
Arcade WD	3,500 AF	11,200 AF	11,200 AF	3,500 AF
Arden Cordova Water Service	3,500 AF	5,000 AF (3)	5,000 AF (4)	5,000 AF
El Dorado ID	20,000 AF	48,400 AF (3)	Decreasing from 48,400 to 38,900 AF (4)	38,900 AF
Georgetown Divide PUD (5)	10,000 AF	18,700 AF (3)	Decreasing from 18,700 to 12,500 AF (4)	12,500 AF
Rancho Murieta CSD	0 AF	1,500 AF (6)	1,500 AF (6)	0 AF

Footnotes (Assumptions included in these footnotes are for EIR modeling purposes only. Modeling these diversions does not imply there is agreement on these assumptions):

1. Baseline: As it applies to these diversions, baseline means the historic maximum amount of water that suppliers diverted annually from the American River through the year 1995.
2. Driest Years (i.e., Conference Years): For purposes of the *Water Forum Agreement*, years when the projected March through November Unimpaired Inflow to Folsom Reservoir is less than 400,000 acre feet. Conference years are those years which require diverters and others to meet and confer on how best to meet demands and protect the American River.
3. Wet/Ave Years: As it applies to these diverters, years when the projected March through November Unimpaired Inflow to Folsom Reservoir is greater than 950,000 acre feet.
4. Drier Years: As it applies to these diverters, years when the projected March through November Unimpaired Inflow to Folsom Reservoir is less than 950,000 acre feet.
5. For this supplier, some or all of their water supply diverted from the American River or Folsom Reservoir in the drier and driest years could be replaced with water released from PCWA's Middle Fork Project Reservoirs by reoperating those reservoirs.
6. As it applies to this diversion, water in Wet/Ave and Drier Years is diverted at the mouth of the American River or from the Sacramento River.

## MAJOR WATER SUPPLY PROJECTS THAT WILL RECEIVE WATER FORUM SUPPORT UPON SIGNING THE *WATER FORUM AGREEMENT (a)*

(Note: This is a partial list of projects which will be needed to accomplish the recommended diversions. Additional facilities may be needed and would be supported to the extent they are consistent with the *Water Forum Agreement*.)

CARMICHAEL WD	Treatment plant, diversion modifications, pump station and piping
CITIZENS UTILITIES	Approval of wholesale agreements w/City of Sacramento Change of Place of Use with PCWA
CITY OF FOLSOM	Relocate & replace raw water conveyance pipeline Diversion facility at Folsom Reservoir Approval of PL 101-514 contract and change in place of use Expansion of water treatment plant
CITY OF SACRAMENTO	Expansion/rehabilitation of the Sacramento River and E.A. Fairbairn Water Treatment Plants as well as rehabilitation (upgrade fish screens) of the diversion structures for both facilities.
CITY OF ROSEVILLE	Long-term wheeling agreement with USBR (PCWA water) Renegotiation of USBR contract Raw water supply project Water treatment plant expansion
COUNTY OF SACRAMENTO (includes a portion of the Elk Grove Water Works)	Expansion of Sacramento River diversion and treatment facilities; expansion of E. A. Fairbairn treatment facilities to treat water diverted from at or near the confluence or from the Sacramento River Approval of PL 101-514 contract and change in place of use and point of diversion Approval of SMUD entitlement transfers
NATOMAS CENTRAL MUTUAL WATER COMPANY	Approval of improvement of diversion facilities

**MAJOR WATER SUPPLY PROJECTS THAT WILL RECEIVE  
WATER FORUM SUPPORT UPON SIGNING THE  
WATER FORUM AGREEMENT (a) (continued)**

(Note: This is a partial list of projects which will be needed to accomplish the recommended diversions. Additional facilities may be needed and would be supported to the extent they are consistent with the *Water Forum Agreement*.)

NORTHRIDGE WD	Change of Place of Use with PCWA Warren Act contract with USBR
PLACER COUNTY WATER AGENCY - Support is subject to resolution of remaining issues. See footnote (b)	Permanent pumping plant at Auburn Canyon Change in point of delivery for USBR water
SACRAMENTO MUNICIPAL UTILITY DISTRICT (SMUD)	Approval of transfers to other Agencies
SAN JUAN CONSORTIUM (includes CITRUS HEIGHTS WD, FAIR OAKS WD, ORANGE VALE WC)	Diversion facility at Folsom Reservoir Approval of PL 101-514 contract Water treatment plant expansion Change of Place of Use with PCWA
SO. COUNTY AGRICULTURE (includes GALT I. D., CLAY WD, OMOCHUMNE-HARTNELL WD, FARM BUREAU)	Approval of SMUD entitlement or other transfer and Folsom South Canal diversions

- a. Note: All suppliers having contracts for Central Valley Project Water will be renegotiating those contracts when the CVP Improvement Act Programmatic Environmental Impact Statement is complete.
- b. Support for Placer County Water Agency major water supply projects is subject to resolution of these remaining issues: 1) environmentalists' support for PCWA pumps at Auburn, 2) how water conservation Best Management Practice #5 (Large Landscape Water Audits and Incentives for Commercial, Industrial, Institutional and Irrigation Accounts) will be implemented, and 3) environmentalists' support for conditions related to release of replacement water in drier and driest years.

## **2. Actions to Meet Customers' Needs while Reducing Diversion Impacts in Drier Years**

This element is to ensure that sufficient water supplies will be available to customers in dry years as well as wet years. The regional economy is dependent on sufficient water being available for our businesses and homes even in drought years. The intent of this element of the *Water Forum Agreement* is that suppliers continue to meet their customers' needs to the year 2030 while minimizing diversion impacts in the drier and driest years.

It is envisioned that American River diversions by purveyors in the region in average and wetter years will increase from the current level of 216,500 acre feet annually to about 481,000 acre feet annually above H Street. This represents a significant portion of the total annual flow of the American River which averages about 2.6 million acre feet, with a range of less than 400,000 acre feet to greater than 6.3 million acre feet.

With adequate mitigation, these diversions in average and wetter years can be accomplished while still preserving the fishery, wildlife, recreational, and aesthetic values of the Lower American River. However, in drier years the river is already stressed. The health of the fishery would degrade if diversions from the Lower American River were increased by these amounts in drier years.

To avoid these impacts suppliers will develop alternatives to meet their customers' needs in drier and driest years. Alternatives include: conjunctive use of groundwater basins consistent with the sustainable yield objectives; utilizing other surface water resources; reoperation of reservoirs on the Middle Fork of the American River; increased conservation

during drier and driest years; and reclamation. Each supplier's dry year diversions are described in the "Summary of Recommendations for Specific Stakeholder Organizations" at the end of this document and are also summarized in the chart on the preceding pages, "1995 and Proposed Year 2030 Surface Water Diversions."

## **3. An Improved Pattern of Fishery Flow Releases from Folsom Reservoir**

This element supports needed assurances for continued implementation of a pattern of water releases from Folsom Reservoir that more closely matches the needs of anadromous fish, in particular fall run chinook salmon, which need more cool water in the fall and are not present in the American River in the summer.

Since construction of Folsom Dam and Reservoir, the U. S. Bureau of Reclamation's (Bureau) releases were legally constrained only by the outdated fish flow requirements of State Water Resources Control Board Decision 893 which incorporates the existing flow standard for the Lower American River.

Until recently the Bureau released water from Folsom Reservoir on a pattern that did not match the life cycle needs of fall run chinook salmon. Since Decision 893 was adopted, the Lower American River fishery has significantly declined.

The Central Valley Project Improvement Act was passed in 1992. This law authorized fish and wildlife restoration as an additional purpose of the Central Valley Project. It also required the federal government to develop an Anadromous Fish Restoration Plan (AFRP) including implementation of an improved pattern of fishery flow releases from Folsom Reservoir to benefit anadromous fish.

Beginning in December 1994, the Water Forum convened a Fish Biologists' Working Session of fish experts with special knowledge of the Lower American River. Their charge was to develop recommendations for an improved pattern of releases from Folsom Reservoir. Participants included representatives from the U.S. Fish and Wildlife Service, California Department of Fish and Game, State Water Resources Control Board, U.S. Bureau of Reclamation, and representatives from the Water Forum.

After several months, participants in the Fish Biologists' Working Session came to general agreement regarding which fish species in the Lower American River should be given priority when there are constraints in water availability. They also developed an Improved Pattern by which available water can be released from Folsom Reservoir in a "fish friendly" manner consistent with the reservoir's flood control objectives.

Since 1996 the Bureau, in consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game, has attempted to release water from Folsom Reservoir in a manner consistent with the flow objectives for the Lower American River to the extent Reclamation's available water supply has permitted it to do so. Their AFRP flow objectives for the Lower American River are set forth in the November 20, 1997 "Department of the Interior Final Administrative Proposal on the Management of Section 3406 (b) (2) Water." They are essentially the same as the Improved Pattern of Fishery Flow Releases developed by the Fish Biologists' Working Session which was convened by the Water Forum. It is recognized that in the process of updating the Lower American River flow standard it will be necessary to make some corrections to the

AFRP flow objectives for the Lower American River.

The Improved Pattern of Fishery Flow Releases is absolutely critical for achieving the Water Forum's coequal objective of preserving the fishery, wildlife, recreational, and aesthetic values of the Lower American River. The *Water Forum Agreement* is based on the expectation that the Improved Pattern of Fishery Flow Releases would be implemented consistent with the AFRP LAR flow objectives in the November 20, 1997 Final Administrative Proposal as they will be corrected. These corrections include some typographic corrections as well as inclusion of target carryover storage amounts for Folsom Reservoir.

Therefore, if the Department of the Interior substantially changes the AFRP flow objectives for the Lower American River, it would be considered a changed circumstance that would have to be considered by the Water Forum Successor Effort.

In addition, there needs to be flexibility in implementing an Improved Pattern to reflect real time ecological considerations. This is sometimes referred to as "adaptive management."

The increased diversions in this *Water Forum Agreement* would be permanent. Therefore it is essential that an Improved Pattern also be implemented by the Bureau on a permanent basis. Therefore one of the essential requirements of the *Water Forum Agreement* is that the State Water Resources Control Board update the Lower American River flow standard.

**4. Lower American River Habitat Management Element (HME) Which Also Addresses Recreation on the Lower American River**

This element, combined with support for an “Improved Pattern of Fishery Flow Releases from Folsom Reservoir” and “Actions to Meet Customers’ Needs While Reducing Diversion Impacts in the Drier Years,” is included to mitigate the impacts of the increased diversions on the Lower American River in a reasonable and feasible manner.

The Lower American River Habitat Management Element will contain five components that together will address the flow, temperature, physical habitat, and recreation issues for the Lower American River: Habitat Management Plan; Habitat Projects that Benefit the Lower American River Ecosystem; Monitoring and Evaluation; Project-Specific Mitigation; and Lower American River Recreation Projects.

**A. The Lower American River Habitat Management Plan** will include priorities, schedules and budgets for projects that will benefit the Lower American River fishery, riparian, and recreational resources. This plan will help guide activities of the Water Forum Successor Effort. Prepared in cooperation with other agencies, it will also be available to assist those agencies as they set their funding priorities.

**B. Projects that Benefit the Lower American River Ecosystem.** Currently 22 project/studies have been identified by the CALFED American River Technical Team. Additional projects may be identified in the future. *Water Forum Agreement* signatories will be co-funders of several of the projects.

**C. Monitoring and Evaluation** will establish baseline conditions for future reference and assess the health of the Lower American River as diversion increase. It will also assess the response of fish, wildlife, and the riparian communities to the management/restoration projects implemented under the Habitat Management Plan as well as the increased diversions.

**D. Project-Specific Mitigation** is required of each purveyor to mitigate any site-specific impacts associated with their diversions. An example of such site-specific mitigation would be installing new or upgraded fish screens at diversion facilities.

**E. Lower American River Recreation Projects** will be funded to mitigate effects of increased diversions by Water Forum purveyors on recreation along the Lower American River.

Potential projects include increased boating access to the American River, development of trails adjacent to waterways, and purchase of land adjacent to waterways for recreational and environmental values. This will be closely coordinated with the Sacramento County Parks and Recreation Commission.

Funding for the Water Forum’s Lower American River Habitat Management Element projects will be provided by: the City of Sacramento; Sacramento County Water Agency (using Zone 13 funds) on behalf of suppliers serving the unincorporated areas of Sacramento County and the City of Citrus Heights; the City of Folsom; Placer County Water Agency; the City of Roseville; and San Juan Water District (for that portion of their district outside of Sacramento County).

### ***Multi-Agency Lower American River Habitat Management Program***

The Lower American River ecosystem is also affected by agencies outside the Water Forum. Many agencies have some type of jurisdiction over decisions that affect the ecosystem. Several outside agencies have responsibility and financial resources to benefit the Lower American River.

It is also recognized that the Water Forum will not by itself have sufficient funding to implement all the actions necessary to fully preserve the Lower American River ecosystem. Therefore it is intended that the Water Forum Habitat Management Element (HME) be coordinated with a Multi-Agency Lower American River Habitat Management Program (HMP).

Agencies expected to participate in the Multi-Agency Lower American River HMP include: the Water Forum Successor Effort (administered by the City of Sacramento under the auspices of the City-County Office of Metropolitan Water Planning); the Sacramento Area Flood Control Agency; CALFED (or its successor); U.S. Bureau of Reclamation (responsible for administering the Central Valley Project and the Central Valley Project Improvement Act); U.S. Fish and Wildlife Service; National Marine Fisheries Service, California Department of Fish and Game; and the Sacramento County Parks Department (which administers the Lower American River Parkway Plan).

The vehicle for this partnership will be the Lower American River Task Force which will include representatives of each agency. The Lower American River Task Force will oversee development of the detailed Habitat Management Program to identify priorities, time lines, budgets and funding sources for environmental restoration and enhancement.

Although each agency will retain autonomy over its own budget, the Lower American River Task Force will coordinate opportunities for cost sharing. Integration of ongoing and planned management/restoration efforts will help the cooperating agencies develop the most effective program for the Lower American River, thereby providing maximum benefits to the river ecosystem. Moreover, through cooperation and cost sharing, the costs to each organization for developing, implementing and monitoring the Habitat Management Program will be minimized.

The Habitat Management Program will incorporate “adaptive management” which allows for flexibility in making resource management decisions as additional data become available. Monitoring and evaluation information will be fed back into the management decision making process on a real time basis.

The *Water Forum Agreement* assumes significant financial contributions from agencies in addition to those that sign the *Water Forum Agreement*. If that does not occur, it would be considered a changed circumstance requiring renegotiation.

### **5. Water Conservation**

The Water Conservation Element of this *Water Forum Agreement* is essential to meeting both of the co-equal goals of the Water Forum. First, conserved water will be available to help supply the region’s water needs. Second, conservation will minimize the need for increased groundwater pumping and increased use of surface water, including water diverted from the American River.

In some cases water conservation will allow suppliers to delay or reduce capital investments required for expansion of water and wastewater treatment facilities. Water conservation programs also reflect

public support for the conservation of limited natural resources.

It is also important that suppliers implement active water conservation programs to demonstrate that water they supply is being used efficiently. This is a requirement when they apply for state and federal approvals to increase surface water diversions.

Suppliers and their customers in this area have already implemented many water conservation efforts. However, stakeholder representatives have found that existing efforts will be insufficient to meet the region's needs for a reliable water supply. Major components of the Water Conservation Element are:

**A. Residential Water Meters.** This is a sensitive issue in our region. We are blessed with the waters of both the Sacramento and American rivers plus groundwater readily accessible with wells. Despite this apparent abundance, extensive research by stakeholder representatives has revealed real limits on our ability to meet water needs solely by diverting or pumping more water. Water meters and pricing based on the quantity used are essential for us to meet our goals of providing a safe, reliable water supply and preserving the Lower American River.

In unmetered areas, customers pay a flat rate regardless of how much water they use - they have no economic incentive to be efficient. Customers who conserve subsidize those who waste.

In metered areas, customers pay based on the amount of water they use. In this way they can control their own water costs. They also stop subsidizing

those who waste. Many people, especially those on fixed or limited incomes, see water meters as a means to pay for only what they use, much like gas or electric meters.

It is also recognized that suppliers receiving water from the Central Valley Project are subject to the conservation provisions, including metering, included in the Central Valley Project Improvement Act. CVPIA conservation requirements, including meter retrofit, exist independent of the *Water Forum Agreement*.

Many of the regulatory approvals for needed water facilities will have to be provided by state and federal agencies. These agencies will review our requests in the context of statewide water shortages and virtually universal metering in the rest of the State.

Therefore, in order to improve the efficiency of our own water use and to avoid more severe requirements imposed by others, the *Water Forum Agreement* includes a gradually phased-in retrofit program starting in the fourth year after signing of the *Water Forum Agreement*. This will minimize disruptions to existing residents. Each supplier will determine the most fair, equitable and cost effective way to implement the mutually agreed upon program within its service area. Within a reasonable time suppliers will read all meters, include water usage on bills and base water use charges on the quantity used.

Recognizing that the City of Sacramento has a City Charter prohibiting mandatory meter retrofit, theirs will be an actively pursued voluntary program. It is also recognized

that environmental organizations participating in the Water Forum prefer and will continue to advocate that all connections be metered.

Those suppliers receiving relatively fewer benefits from the *Water Forum Agreement* will implement voluntary programs.

Water Forum signatories will not implement local retrofit on resale, or any other requirements that would impose escrow or disclosure responsibilities on realtors. This provision will not apply to the City of Sacramento since their City Charter prohibits mandatory metering. All suppliers will retain the ability to implement incentives for a voluntary meter retrofit program at time of resale that would not impose escrow or disclosure requirements.

In administrative proceedings related to statewide matters such as the Bay Delta Water Rights proceeding, signatories to this *Agreement* may need to advocate statewide meter retrofit schedules different than what is included in this *Agreement*.

**B. Other Water Conservation Programs.** If they had not already done so, suppliers will implement other agreed upon water conservation programs by the start of the fourth year after signing of the *Water Forum Agreement*. These conservation programs were adapted from the Statewide Memorandum of Understanding (MOU) Regarding Urban Water Conservation Best Management Practices and have been customized for use by the Water Forum.

The Water Conservation Element incorporates the criteria that have been negotiated for implementation of the Water Forum's Best Management Practices. Using these criteria as a reference, each supplier has negotiated with the other Water Forum stakeholder representatives the details of its water conservation program.

**C. Public Involvement.** In the implementation of Best Management Practices (especially meter retrofit and pricing based on quantity of water used), water suppliers will establish a citizens involvement program, such as citizens advisory committees to help design, implement and market water conservation programs. Each supplier will establish this program within three years of signing the *Water Forum Agreement* if they do not already have a program. Each supplier's citizens involvement program is described in its Water Conservation Plan.

**D. Water Conservation Plans.** Each supplier's water conservation plan is incorporated into the *Water Forum Agreement* as an appendix.

**E. Agricultural Water Conservation.** Agricultural water conservation is also projected to increase over the life of the *Water Forum Agreement*. Much of the surface water used by agriculture in the Sacramento region is from the Central Valley Project. That means that its use will be subject to the conservation requirements of the Central Valley Project Improvement Act. Specifics on the agricultural water conservation program will be negotiated by the Water Forum Successor Effort.

## 6. Groundwater Management

This element provides a framework by which the groundwater resource in the Sacramento county-wide area can be protected and used in a sustainable manner. It also provides a mechanism for coordination with those adjacent counties that share the groundwater basin.

Because it is out of sight, many people are surprised to find that groundwater supplies over half the water used in the region. The potential for continued over pumping and contamination caused stakeholder representatives to conclude that some type of groundwater management plan is needed to protect this vital resource.

The groundwater element includes monitoring the amount of water withdrawn from the groundwater basin and the planned use of surface water in conjunction with groundwater. This is known as “conjunctive use.” Conjunctive use improves overall water supply reliability while at the same time providing for sustainable use of groundwater in a way that does not require restrictions on groundwater pumping.

A key provision of this element includes recommendations on “sustainable yield,” which is the amount of water that can be safely pumped from the basin over a long period of time without damaging the aquifer. Given the hydrology of the region, separate estimated average annual sustainable yields have been formulated for each of the three sub-areas of the basin as follows:

North Area: 131,000 acre feet

South Area: 273,000 acre feet

Galt Area: 115,000 acre feet

### A. Sacramento North Area Groundwater Management

The Sacramento North Area Groundwater Management Authority (SNAGMA) was established in August, 1998 through adoption of a joint powers authority using the existing authority of the City of Sacramento, the City of Folsom, the City of Citrus Heights, and the County of Sacramento.

The SNAGMA includes representatives of organized water suppliers in the North Area, as well as representatives of North Area agricultural interests and businesses which rely on their own wells.

In order to facilitate conjunctive use programs and maintain long-term sustainable yield, SNAGMA has the authority to establish regulatory fees based on level of benefit received. Only those who benefit could be subject to any regulatory fees. In the North Area, residential pumpers who irrigate less than two and-a-half acres are exempt from any regulatory fees. The Sacramento North Area Groundwater Management Authority may also decide to exempt or modify the conditions applying to other types of users. Approval of any regulatory fees will be subject to all requirements of the law including full public notice and hearings.

### B. South Area and Galt Area

Discussions about groundwater management in the South Area and the Galt Area will be undertaken by the Water Forum Successor Effort. Because the South Area and the Galt Area each have their own unique circumstances, the Sacramento North Area

Groundwater Management Authority is not a template for programs appropriate to the needs in these two areas.

The Groundwater Element also contains: provisions to ensure adequate basin-wide coordination among the three sub-areas of the basin; provisions for alternative dispute resolution mechanisms to address problems which may arise; and provisions for collaboration with the Water Forum Successor Effort.

Finally, this element stresses the importance of having groundwater users in adjacent counties participate in the management and governance structure for shared groundwater basins. The *Water Forum Agreement* outlines specific ways in which such participation can be accomplished.

#### 7. **Water Forum Successor Effort**

Signing of the *Water Forum Agreement* is an important milestone in the process. However, actual implementation of this complex *Agreement* over the next three decades will require an ongoing effort. In order to ensure implementation of the *Agreement*, a Water Forum Successor Effort is created with membership comprised of those organizations signatory to the *Water Forum Agreement*. Its responsibilities are to oversee, monitor, and report on implementation of the *Water Forum Agreement*. **The Water Forum Successor Effort does not have any authority to govern or regulate.**

While the *Water Forum Agreement* should not be amended for frivolous reasons, it must also be able to respond to changing conditions. It is recognized that in the future there will be significant changes in circumstances that cannot be foreseen today. For instance, laws, regulations, health standards, technologies, and even

the health of the fishery will undoubtedly change over the next 30 years in ways we cannot now predict. For the *Agreement* to have “shelf life” there must be some mechanism to track and adapt to any changing conditions.

Any future proposals to amend the *Water Forum Agreement* will be considered in the context of both of the Water Forum’s co-equal objectives. In considering any amendments to the *Water Forum Agreement*, the Successor Effort will use the same interest-based collaborative process used to develop the initial *Water Forum Agreement*. Amending the *Water Forum Agreement* will require approval of the boards of directors of organizations signatory to the *Agreement*.

Another ongoing need will be to resolve disputes in a way that preserves the integrity of the *Agreement*. All signatories to the *Agreement* commit to some form of dispute resolution before resorting to litigation. While not foregoing their rights, the signatories will first work in good faith to resolve the dispute among themselves.

Funding for the Water Forum Successor Effort will be provided by water suppliers signatory to the *Water Forum Agreement* based on the number of connections they serve. (Sacramento County Zone 13 contributions to the Successor Effort will cover the obligations of the water suppliers serving the unincorporated areas of Sacramento County and the City of Citrus Heights.) Stakeholder representatives to the Water Forum Successor Effort will approve the Successor Effort’s annual budget. For administrative purposes only the Successor Effort will be housed in the City-County Office of Metropolitan Water Planning.

## ASSURANCES AND CAVEATS

### Assurances

The *Water Forum Agreement* will allow the region to meet its needs in a balanced way through implementation of all seven elements of the *Agreement*: Increased Surface Water Diversions; Actions to Meet Customers' Needs While Reducing Diversion Impacts in Drier Years; Support for Improved Pattern of Fishery Flow Releases; Lower American River Habitat Management; Water Conservation; Groundwater Management; and Water Forum Successor Effort.

Each signatory needs to be assured that as it fulfills its responsibilities under the *Agreement*, the other signatories will be also honoring their commitments. Adequate assurances allow each signatory to expend the energy and resources necessary for it to uphold its part of the *Agreement* with confidence that other signatories will be doing likewise.

For instance for environmentalists to support suppliers' increased water diversions, they need assurances that suppliers will support all seven elements of the *Water Forum Agreement* over the entire term of the *Agreement*. This will provide them assurances that agreed upon actions to preserve the Lower American River will be continued even after new water diversions are constructed.

Conversely for water suppliers to participate in all seven elements of the *Agreement*, including those which will preserve the Lower American River, they will need to have assurances that they will be able to develop the increased diversions and facilities over the term of the *Agreement*.

The *Water Forum Agreement* is based on the following nine assurances:

### A. **Signing the *Water Forum Agreement*.**

The stakeholder representatives have concluded that the best form of the *Agreement* is a Memorandum of Understanding (MOU). This MOU creates the overall political and moral commitment to the *Agreement*.

While the MOU memorializes the substance of the overall *Agreement* with its multi-party understandings, assurances for some specific sub-elements within the overall *Agreement* will be provided through a combination of other mechanisms, including an updated Lower American River flow standard, binding contracts, and joint powers agreements.

### B. **Implementation of the Central Valley Project Improvement Act (CVPIA).**

Under the CVPIA, the Department of the Interior is responsible for carrying out two programs that provide significant assurances that fishery, wildlife, recreational, and aesthetic values of the Lower American River will be protected. These programs are the Anadromous Fish Restoration Program (AFRP) and the habitat improvements financed through the CVPIA Restoration Fund.

### C. **An Updated Lower American River Flow Standard.**

All signatories agree they will recommend to the State Water Resources Control Board an updated American River flow standard and updated Declaration of Full Appropriation to protect the fishery, wildlife, recreational and aesthetic values of the Lower American River. The recommendation will include requirements for U.S. Bureau of Reclamation releases to the Lower American River. In addition, the City of Sacramento's Fairbairn diversion will be required to comply with the diversion limitations of the City's Purveyor Specific Agreement. The *Water Forum*

*Agreement* also includes agreed upon dry year reductions by purveyors upstream of Nimbus Dam. The recommendation for an updated Lower American River standard will be consistent with:

- *Water Forum Agreement* provisions on water diversions including dry year diversions, and
- Implementation of the Improved Pattern of Fishery Flow Releases which optimizes the release of water for the fisheries.

The recommendation will address related issues such as principles to guide water management in the driest years, flexibility in the standard to allow adaptive management, and amending the existing “Declaration of Full Appropriation for the American River.”

The State Water Resources Control Board has already declared the American River to be fully appropriated during certain times of the year. In recognition of the additional diversions and fishery flows agreed to in the *Water Forum Agreement* the Declaration of Full Appropriation needs to be amended. Because there are significant remaining issues including area of origin protections, this will require additional negotiation.

Signatories agree to negotiate with all affected stakeholders and the Water Forum Successor Effort will recommend an amendment to the Declaration of Full Appropriation for the American River consistent with the *Water Forum Agreement*.

An additional assurance will be contracts between suppliers that divert from upstream of Nimbus Dam and the Bureau of Reclamation. Every effort will be made to have these contracts be consistent with

the diversion provisions in each supplier’s Purveyor Specific Agreement.

#### **D. Support for Increased Diversions and Related Facilities.**

All signatories to the *Water Forum Agreement* will endorse all water entitlements needed for the diversions specified in each supplier’s Purveyor Specific Agreement. All signatories will endorse construction of facilities to divert, treat, and distribute water as specified in each Purveyor Specific Agreement including diversion structures, treatment plants, pumping stations, wells storage facilities, and major transmission piping.

Endorsement of the water entitlements and related facilities in the *Water Forum Agreement* means that organizations signatory to the *Water Forum Agreement* will: speak before stakeholder boards and regulatory bodies; provide letters of endorsement; provide supportive comments to the media; advocate the *Water Forum Agreement* to other organizations, including environmental organizations that are not signatory to the *Water Forum Agreement*; and otherwise respond to requests from other signatories to make public their endorsement of the seven elements of the *Water Forum Agreement*.

#### **E. Assurances for the Lower American River Habitat Management Element.**

Signatories who divert water from the American River commit in the signed *Water Forum Agreement* and in their project specific environmental documents to implement the Habitat Management Element. Signatories that commit to financially contributing to the Habitat Management Element will enter into a contract with the City of Sacramento which will provide administrative services to the Water Forum Successor Effort through the City-County Office of Metropolitan Water Planning.

**F. Assurances for the Water Conservation Element.**

In signing the *Water Forum Agreement*, each supplier agrees to implement its Water Forum negotiated water conservation plan which is included in the *Agreement* as an appendix. They will also commit to implement their Water Forum negotiated conservation plans in their project-specific environmental impact reports.

**G. Assurances for the Groundwater Management Element.**

Signatories who pump groundwater from the subarea of the basin in the North area of Sacramento County agree to participate in the Sacramento North Area Groundwater Management Authority established under a joint powers agreement. Affected signatories also agree to work with the Water Forum Successor Effort to negotiate arrangements for groundwater management for the Galt and the South areas within Sacramento County.

**H. Assurances for the Water Forum Successor Element.**

Upon signing the *Water Forum Agreement*, all signatories will immediately become members of the Water Forum Successor Effort. Signatory agencies that will be financially contributing to the Water Forum Successor Effort will enter into a contract with the City of Sacramento which will provide administrative services to the Water Forum Successor Effort.

**I. Assurances for Response to Changed Conditions.**

All signatories agree that if changed circumstances affect the ability to attain either of the two co-equal objectives, the Water Forum Successor Effort will recommend changes to relevant portions of the *Water Forum Agreement*.

Amending the *Water Forum Agreement* requires express approval by those signatories that would be affected by the amendment.

**Caveats**

The *Water Forum Agreement* includes linked actions based on many “quid pro quos” (i.e., something given for something received.) Some of the actions will require future approvals or implementation by local, state and federal agencies. It is also recognized that some actions will have to proceed before others are complete.

In addition some things cannot be known with certainty at this time. For instance, results of Endangered Species Act consultations for specific projects will not be available for some time.

Therefore, in order to have a durable *Agreement* it is necessary to include the following caveats. These are statements describing actions or conditions that must exist for the *Agreement* to be operative.

- A. Each purveyor’s commitment to implementing all provisions of the *Water Forum Agreement* is contingent on it successfully obtaining its water supply entitlements and facilities.
  - If a purveyor receives support from the other signatories to the *Agreement* for all of its facilities and entitlements as shown on the chart “Major Water Supply Projects That Will Receive Water Forum Support Upon Signing the *Water Forum Agreement*,” and if it receives all necessary approvals for some or all of those facilities and entitlements, then the purveyor will fully support and participate in the following provisions of the *Water Forum Agreement*:

- Support for the Improved Pattern of Fishery Flow Releases
- Water Forum Successor Effort
- Water Conservation Element
- Lower American River Habitat Management Element
- Support for the Updated Lower American River flow standard
- Diversion restrictions or implementation of other actions to reduce diversion impacts in drier years as specified in its Purveyor Specific Agreement.

And

- If a purveyor is not successful in obtaining all necessary approvals for all of its facilities and entitlements as shown on the chart “Major Water Supply Projects That Will Receive Water Forum Support Upon Signing the *Water Forum Agreement*,” that would constitute a changed condition that would be considered by the Water Forum Successor Effort.
- B.** All signatories agree that business, citizens, and environmental signatories’ obligation to support, and where specified, implement all provisions of the *Water Forum Agreement* is contingent on implementation of those provisions of the *Agreement* that meet their interests.
- C.** A stakeholder’s support for water supply entitlements and facilities is contingent on adequate assurances including:
- Project-specific compliance with the California Environmental Quality Act, and where applicable, the National Environmental Policy Act, federal Endangered Species Act and California Endangered Species Act.

## COORDINATION WITH FEDERAL AND STATE AGENCIES

Cooperation by federal and state agencies will be required to implement various parts of the *Water Forum Agreement*. For instance, the U.S. Bureau of Reclamation will be called upon to support an updated Lower American River flow standard consistent with the *Water Forum Agreement*. As part of this process the Bureau will also be called upon to enter into diversion agreements with Water Forum purveyors that divert upstream of Nimbus Dam. Water Forum stakeholders will work with the USBR to ensure that those agreements will have diversion conditions consistent with the *Water Forum Agreement*.

The State Water Resources Control Board will be asked to adopt an updated Lower American River flow standard consistent with the *Water Forum Agreement*. The *Water Forum Agreement* is also compatible with all of the alternatives CALFED is considering to solve the Bay-Delta water quality and water supply problems.

Recognizing this, the Water Forum has regular coordination meetings with top management from the key state and federal agencies including the U.S. Bureau of Reclamation, State Water Resources Control Board, California Department of Fish and Game, U.S. Fish and Wildlife Service, California Department of Water Resources, and CALFED. Their representatives reviewed draft proposals to determine if there were any fatal flaws or "red flags" that could be of major concern to their agencies. Through this early coordination, the Water Forum maximized the prospects that its agreements will be acceptable to those agencies. However each agency will have to meet its own legal and policy requirements to implement or permit any action.

As the process continues there will be additional meetings with the highest level administrators at state and federal agencies. Included will be representatives from the California Public Utility Commission which will need to approve investor-owned utilities' recovery through rates of costs for their conservation programs, including meter retrofit. The emphasis will be on the confirming that those agencies will be able to implement the actions and approvals required to make the *Water Forum Agreement* work.

## SCHEDULE FOR UPDATING THE LOWER AMERICAN RIVER FLOW STANDARD

The following schedule reflects the Water Forum's need to have the Lower American River flow standard updated as soon as possible. Signatories to the *Water Forum Agreement* will do everything they can to expedite approval by the State Water Resources Control Board. This includes the City of Sacramento providing supplemental financial assistance to the SWRCB for priority processing if that is agreed to by the SWRCB.

**October, 1999** City of Sacramento, with support from the Water Forum, requests the State Water Resources Control Board to update the Lower American River flow standard consistent with:

- *Water Forum Agreement* provisions on water diversions including dry year diversions, and
- Implementation of the Improved Pattern of Fishery Flow Releases which optimizes the release of water for fisheries.

**November, 1999** State Water Resources Control Board holds a workshop and hearing on the City Of Sacramento's request to expedite processing of the updated Lower American River flow standard.

**Spring, 2000** After consultation with other American River water rights holders, Water Forum stakeholders agree on detailed recommendations for the updated Lower American River flow standard.

**Spring, 2000** After Water Forum stakeholders agree on detailed recommendations for the updated Lower American River flow standard, the City of Sacramento will present it to the State Water Resources Control Board.

**Spring, 2000** Initiate State Water Resources Control Board review including environmental review for the proposed updated LAR flow standard.

As soon as all requirements have been met, the State Water Resources Control Board will hold a hearing on the proposed updated LAR flow standard. Thereafter the State Water Resources Control Board will issue its decision.

- Purveyors' commitment in their project-specific EIRs and CEQA findings to: all seven elements of the *Water Forum Agreement*; support for updating the Lower American River flow standard; commitment by those purveyors that divert from upstream of Nimbus Dam to entering into signed diversion agreements with the U.S. Bureau of Reclamation; commitment by the City of Sacramento to inclusion of the terms of the diversion provisions of its Purveyor Specific Agreement into its water rights.
- Signed diversion agreements between purveyors that divert upstream of Nimbus Dam and the U.S. Bureau of Reclamation. Other signatories to the *Water Forum Agreement* shall be third party beneficiaries to the diversion agreements solely for the purpose of seeking specific performance of the diversion agreements relating to reductions in surface water deliveries and/or diversions if the Bureau of Reclamation fails to enforce any of those provisions. The status of a signatory to the *Water Forum Agreement* as a third party beneficiary to the diversion agreements is dependent on that signatory complying with all the terms of the *Water Forum Agreement*, including support for the purveyor specific agreement for the purveyor's project. This is not to intend to create any other third party beneficiaries to the diversion agreements, and expressly denies the creation of any third party beneficiary rights hereunder for any other person or entity.

- Adequate progress on the updated Lower American River standard.
- Adequate progress in construction of the Temperature Control Device.
- Adequate progress in addressing the Sacramento River and Bay Delta conditions associated with implementation of the *Water Forum Agreement*.

**D.** Environmental stakeholders' support for facilities and entitlements is dependent upon the future environmental conditions in the Lower American River being substantially equivalent to or better than the conditions projected in the Water Forum EIR.

If the future environmental conditions in Lower American River environment are significantly worse than the conditions projected in the EIR, this would constitute a changed condition that would be considered by the Water Forum Successor Effort. Significant new information on the needs of the Lower American River fisheries, which was not known at the time of execution of the *Water Forum Agreement*, would also constitute a changed condition that would be considered by the Water Forum Successor Effort.

## WATER RIGHTS

### Surface Water Rights

It is recognized that some suppliers that sign the *Water Forum Agreement* have long term surface water entitlements in excess of demands projected for the term of the *Water Forum Agreement*. Nothing in the *Agreement* is intended to call for the reduction or forfeiture of existing surface water entitlements. Signatories to the *Agreement* will honor this

principle in state and federal entitlement proceedings directly related to the *Water Forum Agreement* as shown in the previous chart, "Major Water Supply Projects That Will Receive Water Forum Support" on page 14.

It is also recognized that there may be broader state and federal entitlement proceedings where signatories may have different interests, such as the State Water Resources Control Board water rights proceeding for the Bay Delta.

Signatories agree to work in good faith through the Water Forum Successor Effort with the objective being to develop a consensus recommendation for how state and federal entitlement proceedings should affect those agencies that store and divert American River water. All signatories will make good faith efforts so that recommendations will be consistent with both coequal objectives of the *Water Forum Agreement*:

Provide a reliable and safe water supply for the region's economic health and planned development through to the year 2030;

and

Preserve the fishery, wildlife, recreational, and aesthetic values of the Lower American River.

### Groundwater Rights

It is recognized that groundwater rights holders have valuable rights that must be protected. Groundwater rights holders must not have their rights threatened either by their participation in the Water Forum process or by the groundwater management arrangements called for in the *Water Forum Agreement*. Consistent with the Groundwater Management Element, nothing in this *Agreement* is intended to call for the reduction or diminution of any exercised or unexercised groundwater rights. Accordingly, the signatories agree that the *Water Forum Agreement* shall not impair the

vested groundwater rights of any person or entity regardless of whether those rights are currently exercised or unexercised.

Signatories retain their ability to assert their groundwater rights by participating in the public process of creating rules, regulations, policies and procedures associated with the North Area Groundwater Management Authority and other groundwater management arrangements called for by the *Water Forum Agreement*.

## **SACRAMENTO RIVER SUPPLY FOR NORTH SACRAMENTO COUNTY AND PLACER COUNTY**

All signatories to the *Water Forum Agreement* agree there will be benefits from a Sacramento River diversion to serve the north area of Sacramento County and Placer County. This could be an additional source of water for conjunctive use in the north area groundwater sub-basin. It could also provide a surface water supply to help meet a portion of some suppliers' needs in all years. This will contribute to a reliable supply for the area. It will also reduce the need for some suppliers to divert from the American River in drier years.

All signatories to the *Water Forum Agreement* agree to work in good faith to develop a project consistent with their interests that would: consolidate several of Natomas Central Mutual Water Company's diversions; upgrade fish screens at the consolidated diversion; accommodate the diversion of 35,000 AF of water by Placer County Water Agency consistent with its Purveyor Specific Agreement; accommodate the diversion of 29,000 AF of water for delivery to Northridge Water District consistent with its Purveyor Specific Agreement, interconnect that consolidated diversion with the north area pipeline which delivers water from the American River. Also, subject to additional

negotiations among Water Forum signatories, the project could potentially accommodate other diversions (e.g. City of Sacramento diversions).

Support for this diversion is also subject to all elements of the *Water Forum Agreement* including the Caveats in Section Four, I, including compliance with environmental laws and adequate progress in addressing the Sacramento River and Bay-Delta conditions associated with implementation of the *Water Forum Agreement*.

## **RELATIONSHIP OF WATER FORUM AGREEMENT TO LAND USE DECISION-MAKING**

The Water Forum is developing ways to provide a safe and reliable water supply to the year 2030 - that means water for the people who live and work here right now, as well as for our children and others in the future.

Only local governments have the authority to make land-use decisions about growth - the Water Forum does not and cannot. The Water Forum has developed a regional water agreement that will meet our current and future needs.

The *Water Forum Agreement* contains estimated average annual yields for each of the three sub-areas of the groundwater basin in Sacramento county and limits to diversions from the American River. Beyond these agreements, limits on water from other sources have not been negotiated as part of the *Water Forum Agreement*. Signatories retain the right to support or oppose water projects that would use water from sources that have not been negotiated as part of the *Water Forum Agreement*.

It is the intent of signatories to the *Water Forum Agreement* that land use decisions dependent on water supply from the American River or the three groundwater subbasins in Sacramento county be consistent with the limits on water supply from the American River and the estimated average annual sustainable yields for those three groundwater subbasins as negotiated for the *Water Forum Agreement*.

The *Water Forum Agreement* describes how information on water supply availability will be integrated into the land use decision-making process. This information exchange is to better inform both the water and land use planning efforts. Nothing in this *Agreement* provides water suppliers, the Water Forum, or the Water Forum Successor Effort with any land use authority.

In Sacramento County only, signatories retain the ability to support or oppose water facilities that would serve new development outside the Urban Services Boundary that was defined in the Sacramento County General Plan, December, 1993. All parties also retain the right to support or oppose the sizing of water distribution facilities that would allow service to new development outside of the Urban Services Boundary.

It is recognized that the *Water Forum Agreement* focuses on providing a reliable and safe water supply and protecting the Lower American River. As such it is not an agreement on land use planning. Therefore all signatories retain the ability to support or oppose land use decisions on any basis except water supply availability insofar as these decisions are consistent with the *Water Forum Agreement*.

## WATER FORUM AND THE QUESTION OF AUBURN DAM

The Water Forum as a group does not take a position on Auburn Dam. Individual members of the Water Forum and stakeholders they represent have strong and divergent positions on Auburn. Therefore as a group they would never be able to come to consensus on Auburn.

The Water Forum does not address flood control issues, which are being addressed by local, state and federal agencies as a part of a process that has been underway since 1986. However, the *Water Forum Agreement* is fully consistent with continued operation of Folsom Dam for flood control.

Members of the Water Forum recognize that Auburn Dam is debated in other regional, state and federal venues. While the Auburn debate continues, there are pressing issues concerning regional water supply, water quality, and Lower American River fisheries which the Water Forum is committed to addressing now.

The Water Forum is focusing on important and prudent solutions acceptable to every major constituency. Most of these solutions are necessary with or without Auburn. With or without Auburn Dam, the region needs facilities to divert, treat and distribute water supplies. We also need measures to protect the Lower American River fishery.

## FOLSOM RESERVOIR RECREATION

In the future, Folsom Reservoir levels will be influenced by many factors including U.S. Bureau of Reclamation operations, flood control operations and water diversions. Even with implementation of the Water Conservation Element and the Actions to Reduce Diversion Impacts in Drier Years, there will be times when Folsom Reservoir will be lower, thereby affecting the opportunities for reservoir recreation.

Therefore, Water Forum signatories will work with their elected officials, California Department of Park and Recreation (CDPR) and other agencies that have an interest in reservoir levels, such as Congress, USBR, California Dept. of Boating and Waterways and the Sacramento Area Flood Control Agency, to obtain at least \$3,000,000 of new funding for improvements to Folsom Reservoir recreation facilities.<sup>1</sup>

Although previous cooperative efforts between Water Forum stakeholders and other agencies have been successful (such as the securing federal authorization and appropriation for the Temperature Control Device), it is not certain that the \$3 million in funding for Folsom Reservoir recreation improvements will be secured.

Therefore, purveyors signing the *Water Forum Agreement* that plan to increase their diversions of American River water commit that if less than \$3,000,000 of new funds is secured by the year 2008, they would provide a lump sum payment of any amount of the \$3 million not obtained up to a maximum of \$1,000,000 to California Department of Parks and Recreation no later than June 30, 2009 for projects to improve Folsom Reservoir recreation. This is to provide certainty that some projects can be implemented.

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<sup>1</sup> New funding means funding that Water Forum signatories are instrumental in obtaining that was not authorized, appropriated or required as of January 1, 2000.

## COSTS RELATED TO THE WATER FORUM AGREEMENT

With or without the *Water Forum Agreement*, over the next three decades this region will have to spend somewhere over a billion dollars to maintain a reliable and safe water supply and preserve the Lower American River.

Water suppliers will need to replace, upgrade and construct new water supply facilities. They will also have costs for complying with changing regulatory requirements for water quality, public health and safety, and the environment. Because it is based on cooperation, the *Water Forum Agreement* is the most effective way to manage and control costs.

For instance, ratepayers in the north area of Sacramento County and the south area of Placer County can save millions by sharing the costs of a pipeline connecting the American and Sacramento Rivers. A joint diversion facility on the Sacramento River shared by Natomas Central Mutual Water Company, Placer County Water Agency and possibly the City of Sacramento would be far less expensive than separate diversions.

Another example is the Lower American River Habitat Management Element. It is far less costly to have one cooperative program than to have each diverter implement its own program. The Sacramento North Area Groundwater Management Authority is yet another opportunity to save money. A cooperative program that protects our groundwater is much cheaper than doing nothing and having our groundwater levels decline to unacceptable levels.

The *Water Forum Agreement* will also avoid the costly lawsuits that result when stakeholders compete rather than cooperate. In our region millions of dollars have been spent

on lawsuits that could have been better used for needed water supply facilities and Lower American River preservation.

There are costs related to implementation of the *Water Forum Agreement*:

**1. Actions to Meet Customers' Needs While Reducing Diversion Impacts in Drier Years**

Suppliers will develop actions to meet their customers' needs in drier and driest years. Alternatives include: conjunctive use of groundwater basins consistent with the sustainable yield objectives; utilizing other surface water resources; reoperation of Placer County Water Agency's reservoirs on the Middle Fork of the American River; increased conservation during drier and driest years; and reclamation.

Each supplier's dry year actions are specific to its circumstances. Each supplier will determine the most affordable and cost-effective method for implementing its dry year actions.

**2. Lower American River Habitat Management Element, Which Also Addresses Recreation on the Lower American River**

With or without a *Water Forum Agreement*, suppliers are responsible for mitigating the impacts of their increased diversions. One advantage of the *Water Forum Agreement* is that it provides an excellent opportunity for sharing costs for meeting this requirement. Stakeholder representatives are exploring every opportunity to share costs with the Central Valley Project Improvement Act, CALFED and the Sacramento Area Flood Control Agency, which all have their own mitigation programs.

The following signatories to the *Water Forum Agreement* will provide funding for the Habitat Management Element (HME):

Upon signing the *Water Forum Agreement*, the City of Sacramento will provide \$125,000 annually and the Sacramento County Water Agency (through Zone 13) will provide \$250,000 annually to the Habitat Management Element (HME). The Zone 13 payments will be on behalf of the water suppliers serving the unincorporated areas of Sacramento County and the City of Citrus Heights.

As the City of Folsom, Placer County Water Agency, City of Roseville, and San Juan Water District (for that portion of their district outside of Sacramento County) increase their diversions of non-Central Valley Project (CVP) water from the American River, they will pay into the HME \$3 per acre foot for the increased amounts they actually divert that year. This averages about 15 cents per month per residential connection. These suppliers will not pay on existing and increased diversions of CVP water because it is recognized they will be paying into the CVP Improvement Act Restoration Fund for that water.

**3. Water Conservation Programs, Including Water Meters**

Although we are blessed with two major rivers and a groundwater supply, those sources do have limits. We will have to be more efficient in our water use if we are to continue meeting the needs of our residents, businesses and agriculture.

That is why the *Water Forum Agreement* will include implementation of all the urban water conservation Best Management Practices as adapted by the

Water Forum. One of the most important practices to improve efficiency is water meters combined with pricing based on the quantity of water used. In unmetered areas customers pay a flat rate regardless of how much water they use - they have no economic incentive to be efficient. Customers who conserve subsidize those who waste.

State law already requires meters for all new services. In addition, the Central Valley Project Improvement Act requires suppliers receiving water from the CVP to retrofit meters. These requirements exist independent of the *Water Forum Agreement*.

Many of the regulatory approvals for needed water facilities will have to be provided by state and federal agencies. These agencies will review our requests in the context of statewide water shortages and virtually universal metering in the rest of the state.

Therefore, in order to improve the efficiency of our own water use and to avoid more severe requirements imposed by others, the *Water Forum Agreement* includes a gradual meter retrofit program starting by the beginning of the fourth year following signing of the *Water Forum Agreement*.

Each supplier will determine the most cost-effective way to implement the mutually agreed upon conservation programs within its service area.

#### **4. Groundwater Management**

Groundwater provides over half the water used in our region. It is essential that we protect it as a sustainable resource for now and the future. In several areas within our region over-reliance on this source is causing groundwater elevations to decline. In some areas we will need to implement

conjunctive use programs that use surface water in wetter years and groundwater in drier years in order to stop this decline.

Representatives of suppliers, businesses and agriculture who use their own wells in the North Sacramento county area were appointed to the Sacramento North Area Groundwater Management Authority. To the extent that conjunctive use programs need to be funded, the Authority has the authority to establish regulatory fees and will apportion these regulatory fees based on the level of benefit received.

In the North Area, residential pumpers who irrigate less than two and a half acres are exempt from any regulatory fees. The Sacramento North Area Groundwater Management Authority may also decide to exempt or modify the conditions applying to other types of users.

Approval of any regulatory fees will be subject to all requirements of the law including full public notice and hearings.

Discussions about groundwater management in the South Area and the Galt Area will be undertaken by the Water Forum Successor Effort. Because the South Area and the Galt Area each have their own unique circumstances, the Sacramento North Area Groundwater Management Authority, including its financing arrangements, is not a template for programs appropriate to the needs in these two areas.

#### **5. Water Forum Successor Effort**

A Water Forum Successor Effort is critical to ensure that stakeholder cooperation continues as the *Agreement* is implemented over time.

The projected annual cost for the tasks set out in the work plan for the Successor Effort is \$675,000 for the first year.

Beginning July 1, 2000, each supplier's annual contributions to support the cost of Successor Effort work will be based on the number of connections it serves. For most suppliers, their first year share translates into a residential rate impact of 16 cents per month. Contributions for water suppliers serving the unincorporated area of Sacramento County and the City of Citrus Heights will be provided by the Sacramento County Water Agency using Zone 13 funds. This means that those suppliers will have no additional costs for the Successor Effort.

Annually the Water Forum Successor Effort shall prepare a work plan and budget for the next year. Changes to the budget after the first year would require a consensus among the signatories to the *Water Forum Agreement* and agreement by those signatories providing Successor Effort funding.

#### **6. Folsom Reservoir Improvements.**

Water Forum signatories will work with their elected officials, California Department of Park and Recreation (CDPR) and other agencies that have an interest in reservoir levels, such as Congress, USBR, California Dept. of Boating and Waterways and the Sacramento Area Flood Control Agency, to obtain at least \$3,000,000 of new funding for improvements to Folsom Reservoir recreation facilities.

Although previous cooperative efforts between Water Forum stakeholders and other agencies have been successful (such as the securing federal authorization and appropriation for the Temperature Control Device) it is not certain that the \$3 million in funding for Folsom Reservoir recreation improvements will be secured.

Therefore, purveyors signing the *Water Forum Agreement* that plan to increase their diversions of American River water

commit that if less than \$3,000,000 of new funds are secured by the year 2008, they would provide a lump sum payment of any amount of the \$3 million not obtained up to a maximum of \$1,000,000 to California Department of Parks and Recreation no later than June 30, 2009 for projects to improve Folsom Reservoir recreation. This is to provide certainty that some projects can be implemented.

### **SUMMARY OF COSTS RELATED TO THE WATER FORUM AGREEMENT**

Even without a *Water Forum Agreement*, water suppliers would still have increasing costs to provide a reliable water supply and meet environmental and health requirements. Without a *Water Forum Agreement* they would have to independently develop and implement programs to meet these needs. The *Water Forum Agreement* provides the least costly way to meet these requirements.

It is expected that most purveyors will be implementing Water Forum-related programs in the first four years following signing of the *Water Forum Agreement*. This could increase rates between one and four percent per year over the first four years. The average increase across the region would be less than three percent per year over the first four years. Without the cost sharing opportunities in the *Water Forum Agreement*, costs for providing a reliable water supply and preserving the Lower American River would be higher.

Some water suppliers may not have to raise their rates for costs related to the *Water Forum Agreement*.

Any solution that provides for future needs will have costs. New diversion, treatment, and distribution facilities, wells, conservation programs, and required environmental

mitigation will be needed. This *Agreement* identifies that these solutions must be equitable, fiscally responsible, and make the most efficient use of the public's money.

Water suppliers have both capital costs for facilities and operations and maintenance costs. This *Agreement* recommends that charges imposed to recover capital costs associated with water acquisition, treatment, or delivery be equitable. Any costs for facilities funded through bonds will be recovered as provided by law. In addition, signatories to the *Water Forum Agreement* agree that operational, maintenance and replacement costs should be recovered from beneficiaries of the system in accordance with California Government Code Sections 53720 to 53730 (Proposition 62) and California Constitution, Articles XIII, C and XIII, D (Proposition 218) and other laws to the extent they are applicable.

Setting of rates and connection fees will continue to be done by suppliers subject to all requirements of the law including provisions for full public notice and hearings. Neither the Water Forum nor the Successor Effort will have any responsibility or authority to set rates.

*The Water Forum representatives, including representatives from the Sacramento County Taxpayers League and the Sacramento County Alliance of Neighborhoods, have spent six years working on a solution to the region's water crisis. **These representatives believe that participating in the Water Forum Agreement is the least costly method for providing a safe and reliable water supply and preserving the Lower American River.***

# SUMMARY OF SPECIFIC AGREEMENTS FOR STAKEHOLDER ORGANIZATIONS

The *Water Forum Agreement* includes Specific Agreements which detail what benefits each Stakeholder Organization will receive and what it will do to receive those benefits.

Summarized here are the agreements specific to each Stakeholder Organization.

## WATER SUPPLIERS

It should be noted that although each purveyor's Specific Agreement includes commitments to the entire *Water Forum Agreement*, summarized here are just those water supply details specific to each purveyor.

**Carmichael Water District (CWD)** will divert and use up to their license amount of 14,000 acre feet. By the year 2030, it is most likely that the water demand for the District will be reduced to their historic baseline level of 12,000 acre feet by implementation of Urban Water Conservation Best Management Practices. Signatories to the *Water Forum Agreement* acknowledge and agree that CWD shall not relinquish control of or otherwise abandon the right to any quantity it has foregone delivery and/or diversion of under this *Agreement*, and shall retain the right (if any) to transfer that water for other beneficial uses, after that water has served its purpose of assisting in the implementation of the Improved Pattern of Fishery Flow Releases, for diversion or rediversion at, near, or downstream of the confluence of the Lower American River and the Sacramento River. The signatories also recognize that any such transfer of water by CWD must be in accordance with applicable provisions of federal and state law.

**Citizens Utilities Company of California (CUCC)** has six service areas within the metropolitan area of Sacramento County, located within the North Central area, the South County Municipal and Industrial (M&I) area, and the City of Sacramento's American River water rights place of use (POU) area. CUCC also provides water service in Placer County for the Sabre City Mobile Home Park and is the exclusive franchisee for water service in western Placer County.

CUCC has contracted with the City of Sacramento to use 2,580 acre feet annually from the City's E. A. Fairbairn Water Treatment Plant and the Sacramento River Plant for use in their Southgate service area, which is also within the City's POU.

For other CUCC service areas within the POU which include the Arden area, a portion of the Rosemont area, and a portion of the Parkway area, when a contract with the City of Sacramento for delivery of surface water beyond the existing contract for the Southgate area is proposed, signatories to the *Water Forum Agreement* will meet in good faith with the objective to develop mutually acceptable provisions consistent with the two coequal objectives of the *Water Forum Agreement*.

CUCC will also contract for use of a portion of the surface water provided from the Placer County Water Agency (PCWA) for use in the north central area of Sacramento County.

CUCC will contract for use of a portion of the surface water provided through the County of Sacramento/Sacramento County Water Agency for its service area in the south portion of Sacramento County.

CUCC will also continue to use groundwater to meet needs in each of its service areas.

**City of Folsom (Folsom)** will increase its average and wet year American River diversions from an agreed upon baseline amount of 20,000 acre feet to a year 2030 level of 34,000 acre feet. In drier years, Folsom will divert and use a decreasing amount of surface water from 34,000 AF to 22,000 AF (or the equivalent, see example below) in a three stage stepped and ramped reduction in proportion to the decrease in the March through November unimpaired inflow to Folsom Reservoir, from 950,000 to 400,000 AF.

Under stage 1, Folsom will divert a decreasing amount from 34,000 AF to 30,000 AF in proportion to the decrease in March through November when the unimpaired inflow to Folsom Reservoir is greater than 870,000 AF but less than 950,000 AF.

Under stage 2, Folsom will divert 27,000 AF when the March through November unimpaired inflow to Folsom Reservoir is greater than 650,000 AF but less than or equal to 870,000.

Under stage 3, Folsom will divert 22,000 AF when the March through November unimpaired inflow to Folsom Reservoir is equal to or greater than 400,000 AF but less than or equal to 650,000 AF.

In the driest years, when the March through November unimpaired inflow to Folsom Reservoir is less than 400,000 AF, Folsom will reduce diversions (or the equivalency, see example below) to 20,000 AF. Also, Folsom will reduce diversions in the driest years by encouraging additional, extra-ordinary conservation to effectively achieve a reduction to 18,000 AF.

As an example of how Folsom will meet its needs during the drier and driest years, Folsom will reduce diversions by imposing additional

conservation levels, and will continue to divert water from Folsom Reservoir for the balance of their needs. However, Folsom will enter into agreements with other suppliers that have access to both surface water and groundwater for an equivalent exchange of the amount of reduction needed by Folsom as outlined above in the three stages of reduction. Under these arrangements, those suppliers will use groundwater in lieu of surface water equivalent to the amount that Folsom will continue to divert.

**City of Galt (Galt)** will use groundwater to meet its projected year 2030 demands. The sustainable yield of the Galt Area groundwater basin will be enhanced by South Sacramento County agriculture's use of surface water diverted from the Folsom South Canal in years when the March through November unimpaired flow into the Folsom Reservoir is greater than 1,600,000 acre feet.

Galt has also agreed to participate in the development of a groundwater management arrangement for the Galt Area.

**City of Roseville (Roseville)** will increase its average and wet year American River diversions from a baseline level of 19,800 acre feet to a year 2030 level of 54,900 acre feet. In drier years, Roseville will divert and use a decreasing amount of surface water from 54,900 acre feet to 39,800 acre feet by additional conservation, using groundwater, and using reclaimed water. Additionally, Roseville will enter into an agreement with the Placer County Water Agency (PCWA) for replacing up to 20,000 AF of water to the river in drier and driest years, from reoperation of PCWA's Middle fork Project reservoirs.

**City of Sacramento (City)** Currently the 310 cubic feet per second diversion capacity at the Fairbairn Water Treatment Plant (FWTP) is constrained to 155 cubic feet per second by the City's ability to treat the water.

The City may rehabilitate its FWTP diversion facility and expand its FWTP treatment capacity by another 100 million gallons per day. This will allow the City to divert and treat an additional 155 cubic feet per second consistent with the terms described below. Concurrent with the expansion of the FWTP the City will also construct other facilities such as expansion/rehabilitation of Sacramento River Water Treatment Plant and river intake to assure that a reliable alternative supply (groundwater, pumpback and/or diversion from the Sacramento River) is available whenever it is needed.

During periods when the LAR flows are sufficient (i.e. above the “Hodge” standard), the City could fully use its increased diversion capacity at FWTP. In drier periods when the LAR flows were not sufficient (i.e. below the “Hodge” standard), the City could divert from a new diversion site near the mouth of the American River and pump the water back to the FWTP for treatment, use groundwater or divert and use water from the Sacramento River.

Additional diversions from the Sacramento River and groundwater in the north area will also be used by the City to meet year 2030 demands.

**County of Sacramento/Sacramento County Water Agency (County/SCWA)** supplies water in seven separate retail service areas within the unincorporated area. County retail service areas vary in size from as few as 30 connections in the smallest area to more than 17,000 connections in the Laguna/Vineyard service area.

SCWA is responsible for providing wholesale water to an area of the Laguna, Vineyard, and Elk Grove communities commonly referred to as “Zone 40.” The long term Master water Plan for Zone 40 is based on meeting present and future water needs through a program of conjunctive use of groundwater and surface water.

The County/SCWA will divert surface water, both firm (45,000 acre feet) and intermittent water, up to 78,000 acre feet in total from near the mouth of the American River or from the Sacramento River. The County/SCWA will also use groundwater on a conjunctive basis to meet the balance of its need. SCWA’s water demand is projected to be 87,000 acre feet by the year 2030.

The County/SCWA has also agreed to participate in the development of a groundwater management arrangement for the South Area.

**Del Paso Manor Water District (DPMWD)** will use groundwater to meet their year 2030 demands until such time as DPMWD and the City of Sacramento enter into an agreement for delivery of surface water from the City’s system to DPMWD. DPMWD has a contract with the City for 2,460 acre feet of the City’s American River entitlement. Water supply facilities need to be constructed for delivery of City water to DPMWD.

Negotiations on specific conditions for delivery of surface water under this contract will be undertaken by the Successor Effort and DPMWD.

**Florin County Water District (FCWD)** will use groundwater to meet their year 2030 demands until such time as FCWD and the City of Sacramento enter into an agreement for delivery of surface water from the City’s system to FCWD. FCWD is located within the place of use for the City of Sacramento’s American River entitlement.

Negotiations on specific conditions for delivery of surface water under this contract will be undertaken by the Successor Effort and FCWD.

**Natomas Central Mutual Water Company (Natomas)** will meet demands to the year 2030 for the Sacramento County portion of Natomas with surface water from the

Sacramento River and from groundwater pumping. Groundwater pumping will only be implemented as part of a conjunctive use program which would preserve the groundwater table.

Natomas will consolidate several of its Sacramento River diversions into an upgraded diversion with a new fish screen which meets the Fish and Wildlife Service's screening criteria. Natomas will form a partnership with other parties to interconnect the Sacramento River with the San Juan/Northridge pipeline from Folsom Reservoir. Signatories' support for this water connection is subject to the provisions of Section Four, III of the *Water Forum Agreement*, Sacramento River Supply for North Sacramento County and Placer County.

**Northridge Water District (Northridge)** will divert up to 29,000 acre feet of Placer County Water Agency (PCWA) water, for an interim ten year period, in years when the projected March through November unimpaired inflow into Folsom Reservoir is greater than 950,000 acre feet. The amount diverted will also be consistent with the water delivery schedule provided for in the Northridge-PCWA Contract, which allows annually increasing diversions up to 24,000 acre feet per year during the interim ten year period.

At any time during this ten-year period, if Northridge is able to take delivery of Sacramento River water through a Sacramento River pipeline, Northridge will thereafter divert water from the Sacramento River (and not from the Folsom Reservoir) in those years when the projected March through November unimpaired inflow into Folsom Reservoir is less than 1,600,000 acre feet.

After the ten year period, unless the State Water Resources Control Board issues a subsequent order, Northridge will divert water up to 29,000 acre feet annually from Folsom Reservoir under the Northridge-PCWA contract

only in years when the projected March through November unimpaired inflow into Folsom Reservoir is greater than 1,600,000 acre feet.

**Placer County Water Agency (PCWA)** Note: The following surface water provisions are operative contingent on the resolution of the remaining issues described in the last paragraph of this summary of the PCWA Specific Agreement.

PCWA would increase its average and wet year American River diversions from a baseline level of 8,500 acre feet to a year 2030 level of 35,500 acre feet.

During drier years, PCWA would divert and use 35,500 AF from the American River. In these drier years, PCWA would also replace water to the River from reoperation of its Middle Fork Project (MFP) reservoirs in the following amounts:

When Unimpaired inflow to Folsom Reservoir is:	PCWA Will Release This Amount (reoperation):
950,000 AF	0 AF
400,000 AF	27,000 AF

The amount of water released to the River from reoperation of the MFP reservoirs between 950,000 AF and 400,000 AF would be in linear proportion to the amounts shown above.

PCWA would make the releases contingent on: 1) its ability to be reimbursed for its release of water on terms acceptable to PCWA; 2) PG&E's agreement to such reoperation until the present power purchase contract with PG&E expires (presently anticipated by year 2013); and 3) PCWA's determination that it has sufficient water in its reservoirs to make the additional releases to mitigate conditions in dry years without jeopardizing the supply for PCWA's customers. (Note: Operational

modeling for PCWA based on historical hydrology and projected 2030 requirements as set forth in the *Water Forum Agreement* has shown that reoperation water should be available for such release and sale without drawing MFP reservoirs below 50,000 acre-feet.)

The source of this replacement water in drier years would be water not normally released in those years from the PCWA Middle Fork Project.

PCWA would also divert and use 35,000 AF from the Sacramento and/or Feather Rivers if exchanges of equal amounts can be made with others under terms acceptable to PCWA.

Remaining issues which are being negotiated are: 1) environmentalists' support for PCWA pumps at Auburn, 2) how water conservation Best Management Practice #5 (Large Landscape Water Audits and Incentives for Commercial, Industrial, Institutional and Irrigation Accounts) will be implemented, 3) environmentalists' support for conditions related to release of replacement water in drier and driest years.

**Rio Linda/Elverta Community Water District (RLECWD)** The 2030 projected water demand within the present geographical boundary of RLECWD is 17,035 acre feet. This projected demand is included in the North Central Group of Municipal and Industrial Purveyors which also includes a portion of the Citizens Utilities Company, a portion of the Arcade Water District, McClellan AFB and Northridge Water District.

The RLECWD acknowledges that decisions on how to maintain the long-term sustainable yield of the North area groundwater basin will be made by the Sacramento North Area Groundwater Management Authority (SNAGMA) with representation of the RLECWD on the SNAGMA's governing board consistent with the joint powers agreement establishing SNAGMA.

As the purveyor of municipal and industrial water within its current and future expanded boundaries, RLECWD will construct appropriate facilities to meet its 2030 projected peak period water demand.

If SNAGMA determines that it is necessary to acquire surface water for use within SNAGMA's boundaries, the District will cooperate with the Water Forum Successor Effort, SNAGMA, and other affected agencies to obtain the surface water to be used as part of SNAGMA's groundwater management program.

The District acknowledges that the *Water Forum Agreement* does not provide for a baseline quantity of groundwater. The District also acknowledges its responsibility for sharing in the cost to acquire surface water supplies if SNAGMA determines such supplies are necessary to maintain the long-term sustainable yield of the Sacramento North area groundwater basin.

**Sacramento Municipal Utility District (SMUD)** will increase its average and wet year American River diversion from a baseline level of 15,000 acre feet to a year 2030 level of 30,000 acre feet. In drier years, SMUD will reduce diversions by up to 15,000 acre feet by reducing their demand and by using groundwater.

SMUD and the County of Sacramento have begun negotiations for purchase by the County and transfer from SMUD of a 15,000 acre foot block of SMUD's U.S. Bureau of Reclamation contract. A portion of the payments to SMUD from the County would be used to construct groundwater facilities that would be operated and maintained by the County. Groundwater from these wells would be available as an alternative supply for SMUD to meet increased demands in the drier and driest years.

SMUD is also planning on constructing additional co-generation facilities at locations

within the City of Sacramento's American River Place of Use (POU). SMUD will negotiate with the City of Sacramento for delivery of up to 15,000 AF of water for their planned co-generation facilities within the POU.

**San Juan Water District Consortium (SJWD)**, comprised of the San Juan Water District located in both Sacramento and Placer Counties, Citrus Heights Water District, Fair Oaks Water District, Orange Vale Water Company and a portion of the City of Folsom, will increase its average and wet year American River diversions from a baseline level of 54,200 acre feet to a year 2030 level of 82,200 acre feet. In drier years SJWD will reduce diversions by up to 28,000 acre feet by relying more on groundwater and increased conservation.

**South Sacramento County Agriculture (including Clay Water District, Galt Irrigation District, Omochumne-Hartnell Water District, and Sacramento County Farm Bureau)** will divert and use up to 35,000 acre feet from the Folsom South Canal in years when the March through November unimpaired flow into Folsom Reservoir is greater than 1,600,000 acre feet. The balance of the agricultural users' need will be met by groundwater pumping.

Support for this diversion is linked to successful negotiation of an agricultural water conservation program. This negotiation will be done through the Water Forum Successor Effort. Agricultural users in South Sacramento County will also participate in the development of groundwater management arrangements for the South Area and the Galt Area.

## ENVIRONMENTAL INTERESTS

### **Environmental Council of Sacramento (ECOS)**

### **Friends of the River (FOR)**

### **Save the American River Association (SARA)**

### **Sierra Club - Mother Lode Chapter - Sacramento Group**

The Lower American River's fishery, wildlife, recreational and aesthetic values resulted in it being designated as a state and federal Wild and Scenic River. With over five million visitor days annually, the Lower American River Parkway is already one of the most heavily used parks west of the Mississippi.

One major way that the *Agreement* will benefit the Lower American River is through continued implementation of an Improved Pattern of Fishery Flow Releases from Folsom Reservoir. This pattern more closely matches the life cycle needs of fall run chinook salmon. The Lower American River Habitat Management Element will address impacts to the riparian and fishery habitat of the Lower American River including habitat for steelhead. It will also address impacts on recreation in the Lower American River.

The Water Conservation Element of the *Agreement* will benefit the environment by reducing the amount of water that will have to be diverted from the region's rivers, including the American River. Actions to Meet Customer's Needs While Reducing Diversion Impacts in Drier Years will also be effective in minimizing diversions in the drier years when water is critical to the Lower American River.

The Groundwater Management Element will ensure that the groundwater supply is sustained for future generations.

Good water quality is another benefit of the *Agreement*. Protecting surface and groundwater will ensure that drinking water continues to meet increasingly stringent federal and state standards.

Another benefit is the ability of environmental stakeholders to participate in the implementation of the *Water Forum Agreement*. Their participation in the Water Forum Successor Effort will continue the opportunity to incorporate environmental objectives in regional water planning and ensure achievement of the coequal objective of preserving the Lower American River.

## CITIZENS ORGANIZATIONS INTERESTS

### **League of Women Voters of Sacramento**

#### **Sacramento County Alliance of Neighborhoods (SCAN)**

#### **Sacramento County Taxpayers League**

Both existing and new residents will benefit from the *Water Forum Agreement*. The public will benefit by a more reliable, safe water supply especially during the inevitable drought periods. They will avoid the losses and inconvenience resulting from severe rationing. The local economy will also have a reliable water supply so that our local jobs can be preserved and new jobs can be created.

Good water quality is another benefit of the *Agreement*. Protection of surface and groundwater will ensure that our drinking water continues to meet increasingly stringent federal and state standards.

The public will also benefit from maintaining the fishery, wildlife, recreational and aesthetic values of the Lower American River. With over

five million visitor days annually, the Lower American River Parkway is already one of the most appreciated parks west of the Mississippi. The *Water Forum Agreement* will preserve the values that make the Parkway so popular.

Another benefit to the public is the participation of citizens organizations in the implementation of the *Water Forum Agreement*. Their participation in the Water Forum Successor Effort will continue the communication and education of citizen organizations in regional water planning.

Any solution that provides for future needs will have costs. New diversion, treatment, and distribution facilities, wells, conservation programs, and required environmental mitigation will be needed. This *Agreement* identifies that these solutions must be equitable, fiscally responsible, and make the most efficient use of the public's money.

Water suppliers have both capital costs for facilities and operations and maintenance costs. This *Agreement* recommends that charges imposed to recover capital costs associated with water acquisition, treatment, or delivery be equitable. Any costs for facilities funded through bonds will be recovered as provided by law. In addition, signatories to the *Water Forum Agreement* agree that operational, maintenance and replacement costs should be recovered from beneficiaries of the system in accordance with California Government Code Sections 53720 to 53730 (Proposition 62) and California Constitution, Articles XIII, C and XIII, D (Proposition 218) and other laws to the extent they are applicable.

## BUSINESS INTERESTS

**Associated General Contractors (AGC)**

**Building Industry Association of Superior California (BIA)**

**Sacramento Association of Realtors (SAR)**

**Sacramento Metropolitan Chamber of Commerce**

**Sacramento-Sierra Building and Construction Trades Council**

Both existing and new businesses will benefit from the *Water Forum Agreement*. A reliable and affordable water supply is important for all businesses and crucial for the health of the regional economy. For instance, major employers such as Campbell Soup and Hewlett-Packard as well as developers need to know that they will have a reliable water supply. Some of these businesses receive water from their own wells.

A reliable water supply for the region is needed to support the planned development and to attract the new jobs needed by residents. The types of clean industries favored by the region are not going to locate here if there is a belief that water supplies will have to be reduced or curtailed during periodic droughts. The reliable water supply provided by the *Agreement* will provide for the region's economic development and planned growth.

# SUMMARY OF PROCEDURAL AGREEMENTS FOR PURVEYORS NOT IN THE INITIAL *WATER FORUM AGREEMENT*

The initial *Water Forum Agreement* records those agreements among stakeholder organizations that could be entered into as of the effective date of the initial *Agreement*. However it is recognized that there are some stakeholder organizations whose issues could not be resolved by that time.

The *Water Forum Agreement* includes procedural agreements committing all stakeholders to work in good faith to negotiate mutually acceptable agreements to resolve remaining issues. As soon as these issues are agreed to, the *Water Forum Agreement* will be amended to include them.

The following stakeholder organizations have issues that could not be totally resolved for the initial *Water Forum Agreement*:

- Arcade Water District
- El Dorado Irrigation District
- Georgetown Public Utility District
- Rancho Murieta Community Services District

## ACKNOWLEDGEMENTS

### CITY-COUNTY OFFICE OF METROPOLITAN WATER PLANNING WHICH COORDINATES AND STAFFS THE WORK OF THE WATER FORUM

<u>Position</u>	<u>Staff</u>	<u>Dates</u>
Executive Director	Jonas Minton Melvin Johnson Bob Thomas Bill Edgar	3/98 - present 1/96 - 2/98 3/93 - 12/95 10/91 - 3/93
Deputy Director – City of Sacramento	Jim Sequeira Don Dodge	9/93 - present 10/91 - 8/93
Deputy Director - County of Sacramento	Keith DeVore F. I. “Butch” Hodgkins	10/93 - present 10/91 - 9/93
Supervising Engineer	Don Jacobs	10/91 - 11/93
Senior Administrative Officer	Susan Davidson	10/91 - present
Engineering Consultant	Jim McCormack	10/91 - present
Public Outreach Consultant	Grant Werschkull	8/94 - present
Administrative Assistant	Russell Haynes Wesley Lujan Julie Canter Reggie Hernandez Melissa Gamer	3/99 - present 2/98 -9/98 9/96 - 2/98 8/95 -8/96 8/94 - 8/95
Secretary	Eme Iturralde Aline Soto Barry Broadway	4/96 - present 12/94 - 3/96 10/91 - 11/94

### STAFF FROM OTHER CITY OF SACRAMENTO AND COUNTY OF SACRAMENTO OFFICES WHO PROVIDED SUPPORT TO THE CITY-COUNTY OFFICE OF METROPOLITAN WATER PLANNING

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#### **County Regional Parks, Recreation & Open Space**

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## CALIFORNIA CENTER FOR PUBLIC DISPUTE RESOLUTION

The California Center for Public Dispute Resolution has provided invaluable mediation and facilitation services to the Water Forum since its inception. The Center, a joint program of California State University, Sacramento and McGeorge School of Law, University of the Pacific, worked closely with stakeholder representatives and Water Forum staff to assure that each step of this complex process built understanding and trust while moving the group toward substantive and durable agreements.

**For more information contact:  
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The Water Forum stakeholder representatives wish to acknowledge and thank the staff of the following federal and state agencies for their review and comment on numerous aspects of the *Water Forum Agreement*. Cooperation by federal and state agencies will be required to implement various parts of the *Water Forum Agreement*. Recognizing this, the Water Forum had regular coordination meetings with top management from the key state and federal agencies with responsibilities related to the implementation of parts of the *Water Forum Agreement* in order to determine if there were any fatal flaws or “red flags” that could be of major concern to their agencies. However, even with this “pre-review” process, each agency will have to meet its own legal and policy requirements to implement or permit any action.

**CALFED**

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